

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
COLLEGE DIAMOND FUND INC.,

Plaintiff,

-against-

ROBERT DAVIS as the de facto administrator of the ESTATE OF LLOYD DAVIS; and “JOHN DOE #1” through “JOHN DOE #100”, the names of the last 100 defendants being fictitious, the true names of said defendants being unknown to plaintiffs, it being intended to designate fee owners, tenants or occupants of the property and/or persons or parties having or claiming an interest in or lien upon the property, if the aforesaid individual defendants are living, and if any or all of said individual defendants be deceased, their heirs at law, next of kin, distributees, executors, administrators, trustees, committeees, devisees, legatees, and the assignees, lienors, creditors, and successors in interest of them, and generally all persons having or claiming under, by, through, or against the said defendants named as a class, of any right, title, or interest in or upon the property described in the complaint herein,

Defendants.

ANALISA TORRES, District Judge:

The Court has reviewed Plaintiff's motion to dismiss the complaint without prejudice under Federal Rule of Civil Procedure 41(a)(2), ECF No. 107, and the response filed by Defendants *pro se*, ECF Nos. 111–12. The Court agrees with Plaintiff that the sale of the property at issue, 1023 College Avenue, Bronx, New York, 10456 (Block 2437, Lot 37), at public auction on February 3, 2025, in connection with the Supreme Court, County of Bronx, tax foreclosure action, No. 26736/2019E, moots this action and that dismissal is appropriate under the circumstances. Accordingly, Plaintiff's motion is GRANTED. The complaint is DISMISSED without prejudice pursuant to Rule 41(a)(2).

The Clerk of Court is respectfully directed to terminate all motions, deadlines, and hearings, close the case, and mail a copy of this order to Defendants *pro se*.

SO ORDERED.

Dated: March 13, 2025
New York, New York

USDC SDNY
DOCUMENT
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DATE FILED: 3/13/2025

24 Civ. 4800 (AT) (RFT)

ORDER OF DISMISSAL



ANALISA TORRES
United States District Judge